**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 9883 of 2004**

Between:
Smt.R.Lakshmamma, w/o Mallesh,
H.No.11-184, Sanjeevanagar Colony, Shadnagar, District Mahabubnagar.

**..... PETITIONER**

AND

1 The Secretary, Gram Panchayath,
Shadnagar, Faruqnagar Mandal, Mahabubnagar District.
2 The District Collector, Mahabubnagar District Mahabubnagar.

**.....RESPONDENS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction or a writ particularly one in the nature of a writ of mandamus declare that the action on the part of the 1st respondent in evicting the petitioner of his shop erected in the land abutting to H.No.7-81 (old) without issuing any notice is arbitrary, illegal and unsustainable infringing article 14, 16 and 19(g) of the Constitution of India

**WRIT PETITION NO : 9930 of 2004**

Between:
K.Vijaya Kumar S/o. K.Sree Ramulu
H.No.4-96, Main Road, Shadnagar, District Mahaboobnagar.

**..... PETITIONER**

AND

1 The Secretary Gram Panchayath
Shadnagar, Faruqnagar Mandal, Mahaboobnagar Dist.,
2 The District Collector Mahabubnagar District Mahabubnagar.

**.....RESPONDENS)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction or a writ particularly one in the nature of a writ of mandamus declare that the action on the part of the 1st respondent in evicting the petitioner of his shop erected in the land abetting to H.No.7-81 (Old) without issuing any notice is arbitrary, illegal and unsustainable infringing articles 14,16, and 129 (g) of the constitution of India and to pass such further or other order or orders.

**WRIT PETITION NO : 9941 of 2004**

Between:

E. Ramulu S/o E. Monaiah

H.No. 12-13, Nehrunagar Colony, Shadnagar, District Mahabubnagar

**..... PETITIONER**

AND

1 the Secretary Grampanchayath Shadnagar, Faruqnagar mandal, Mahabubnagar District

2 The District Collector, Mahabubnagar District Mahabubnagar

**....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction or a Writ particularly one in the nature of Mandamus declare that the action on the part of the 1st respondent in evicting the petitioner of his shop erected in the land abetting to H.No. 7-81 (Old) without issuing any notice is arbitrary, illegal and unsustainable infringing article 14 16 and 19(g) of the constitution of India

**WRIT PETITION NO : 9953 of 2004**

Between:

Gourisetty Chender Rao S/o. Mallaiah

Manin Road Shadnagar, District Mahabubnagar.

**..... PETITIONER**

AND

1 The Secretary, Gram Panchayath, Shadnagar Faruznagar Mandal, Mahabubnagar Dist.

2 The District Collector, Mahabubnagar Dist, Mahabubnagar.

**....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction or a Writ particularly one in the nature of a Writ of Mandamus declare that the action on the part of the 1st respondent in evicting the petitioner of his shop erected in the land abetting to H.No.7-81)Old) without issuing any notice is arbitrary, illegal and unsustainable infringing article 14,16 and 19 (g) of the constitution of India .

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**WRIT PETITION NO : 9959 of 2004**

Between:

S. Jangaiah, S/o. Chinnaiah,
H.No. 18-27, N.G.O's Colony, Shadnagar, Mahaboobnagar District.

**..... PETITIONER**

AND

1 The Secretary Gram Panchayath,
Shadnagar, Faruqnagar Mandal, Mahabubnagar District.
2 The District Collector, Mahabubnagar District.

**....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction or a Writ particularly one in the nature of a Writ of Mandamus declare that the action on the part of the 1st respondent in evicting the petitioner of his shop erected in the land abetting to H.No. 7-81(Old) without issuing any notice is arbitrary, illegal and unsustainable infringing article 14, 16 and 19(g) of the constitution of India and to pass

**WRIT PETITION NO : 9960 of 2004**

Between:

R.N. Krishna, s/o Rama Rao,
H.NO. 3-104, Laxminarasimha colony, Shadnagar, District Mahabubnagar.

**..... PETITIONER**

AND

1 The Secretary, Gram Panchayat, Shadnagar, Faruqnagar Mandal, Mahabubnagar District.
2 The District Collector, Mahabubnagar, Dist. Mahabubnagar.

**....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction or a writ particularly one in the nature of a writ of Mandamus declare that action on the part of the 1st respondent in evicting the petitioner of his shop erected in the land abetting to H.No. 7-81 (Old) without issuing any notice is arbitrary, illegal and unsustainable infringing article 14, 16 and 19(g) of the constitution of India

**Counsel for the Petitioner: MR.SAMINENI KISHORE**

**Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT**

**The Court Made the Following ORDER:**

All the petitioners are the occupants of the vacant site of road margin, where they have put small structures and carrying on their business.

According to the petitioners, now the respondent-authorities have proposed to take action for evicting them in order to widen the road and to remove the congestion. However, according to the petitioners no notice has been issued to them.

This fact is disputed by the respondents stating that a notice has already been issued to the petitioners in the year 2003 itself.

However, after taking into consideration all the above facts, the respondents are directed to issue a notice of eviction to the petitioners, if not already issued and served on the petitioners, and take appropriate action to evict the petitioners after following the procedure contemplated under law.

The writ petitions are disposed of accordingly, No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

One fair copy to the Hon'ble Sri Justice S. Ananda Reddy for his Lordship's kind perusal

To

1 The Secretary, Gram Panchayat, Shadnagar, Faruqnagar Mandal, Mahabubnagar District.
2 The District Collector, Mahabubnagar, Dist. Mahabubnagar.
3 2CCs to G.P. for Panchayat Raj & Rural Development, High Court Buildings, High Court of A.P. Hyderabad. (OUT)
4 2 CD copies.